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October 9, 2020

The Honorable Marcia L. Fudge
Chair
Subcommittee on Elections
Committee on House Administration
U. S. House of Representatives
Washington, DC 20515

The Honorable Rodney Davis
Ranking Member
Committee on House Administration
U.S House of Representatives
Washington, DC 20515

Dear Chair Fudge and Ranking Member Davis,

On behalf of The Leadership Conference on Civil and Human Rights (“The Leadership Conference”), a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the rights of all persons in the United States, we thank you for the opportunity to submit our views regarding the need for social media platforms to address online voter suppression and improve civil rights infrastructure, and ask that this statement be entered into the record of the subcommittee hearing entitled “Voting Rights And Election Administration: Combatting Misinformation In The 2020 Election” that took place on October 6, 2020.

Ensuring a fair, inclusive, and accessible election demands extreme vigilance. With less than 30 days until the November election, Congress must use its convening and oversight power to ensure that tech platforms and companies do everything they can to meaningfully address and counter online voter suppression while protecting civil rights.

For the last several years, The Leadership Conference has engaged with social media platforms to encourage them to address these issues (additional background and details about our work and proposals are contained in a statement for the record that The Leadership Conference submitted for the House Energy and Commerce Committee’s joint hearing on June 24, 2020, “A Country in Crisis: How Disinformation Online is Dividing the Nation.”¹). We have made a series of recommendations to obviate false, misleading, and harmful content on the companies’ platforms that could lead to voter suppression. While Facebook and other social media platforms have made some policy changes, their lack of consistent

¹http://civilrightsdocs.info/pdf/policy/letters/2020/Leadership_Conference_Statement_6.24.20_House_EC_Hearing.pdf

enforcement makes these policies insufficient to prevent the spread of voter suppression. Platforms must work on solutions that prevent the posting and spread of content that could suppress or manipulate voting rights toward African Americans, people of color, Native Americans, people with disabilities, limited-English proficient citizens, students, and other historically marginalized citizens.

Facebook in particular has come under scrutiny for its practices. As stated in the final report of the Facebook civil rights audit that was released on July 8, 2020, there is a deficit in the company's understanding and application of civil rights.² When Facebook, Twitter, and the few other companies who dominate and control social media do not address content that leads to voter suppression and attacks civil rights, the result is a corrosive effect on our democracy:

If politicians are free to mislead people about official voting methods (by labeling ballots illegal or making other misleading statements that go unchecked, for example) and are allowed to use not-so-subtle dog whistles with impunity to incite violence against groups advocating for racial justice, this does not bode well for the hostile voting environment that can be facilitated by Facebook in the United States. We are concerned that politicians, and any other user for that matter, will capitalize on the policy gaps made apparent by the president's posts and target particular communities to suppress the votes of groups based on their race or other characteristics.³

Congress must urge social media platforms and tech companies to: (1) improve and enforce their current community standards policies on voter engagement/interference and civic activities to prevent voter suppression; (2) use COVID-19 policy and procedures as a model for how positive steps can be taken to both provide accurate information and prevent disinformation for voting and elections; and (3) prevent disinformation in political ads.

Platforms Must Improve and Enforce Their Current Policies

We commend the Committee on House Administration for using its oversight authority to review election misinformation. We also urge the committee to push platform companies to enforce and improve their current community standards policies on voter engagement and civic activities. The platforms must implement their policies fairly by swiftly removing voter suppression content that violates those policies; downranking the content in search results; limiting interaction with the content; and/or labeling content and including correct voting information, regardless of the speaker.

While Facebook and Twitter have policies to remove content that has false or misleading information about how to vote/participate in the election process⁴, the companies are not consistently enforcing them. The platforms must consistently enforce their current policies on election integrity and voter interference and not "pick and choose" when it will enforce its standards. The July 2020 civil rights audit report

² <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf>, p.10

³ Ibid.

⁴ <https://about.fb.com/news/2019/10/update-on-election-integrity-efforts/#voter-suppression>;
<https://help.twitter.com/en/rules-and-policies/election-integrity-policy>

zeroed in on Facebook's lack of enforcement, using President Trump's repeated false and misleading posts about mail-in ballots and the voting process in Michigan, Nevada, and other states as an example:

Facebook's voter interference policy prohibits false misrepresentations regarding the "methods for voting or voter registration" and "what information and/or materials must be provided in order to vote." The ballots and ballot applications issued in Nevada and Michigan were officially issued and are current, lawful forms of voter registration and participation in those states. In California, ballots are not being issued to "anyone living in the state, no matter who they are." In fact, in order to obtain a mail-in ballot in California one has to register to vote.

Facebook decided that none of the posts violated its policies. Facebook read the Michigan and Nevada posts to be accusations by President Trump that state officials had acted illegally, and that content challenging the legality of officials is allowed under Facebook's policy. Facebook deemed the California post to be non-violating of its provision for "misrepresentation of methods for voter registration".⁵

In addition, the report stated:

To the civil rights community, there was no question that these posts fell squarely within the prohibitions of Facebook's voter interference policy. Facebook's constrained reading of its policies was both astounding and deeply troubling for the precedents it seemed to set.⁶

Facebook and Twitter have updated voter interference and civic integrity policies in recent weeks to address more content that has the intent of suppressing the vote, including Facebook's announcement this week that it will ban content that seeks to intimidate voters.⁷ We appreciate that platforms are expanding the scope of content that needs attention. However, the enforcement of the policies is not consistent and the steps that are taken are not always effective. Many posts remain on the platforms despite violating the companies' own policies and/or receive minimal treatment to address the content.

Thus, while President Trump has repeatedly posted false information about voting by mail and the voting process, Facebook and Twitter's response falls short. Both Facebook and Twitter sometimes put labels on the posts stating that voting by mail is safe and legal but do nothing to limit the spread of the false information in the posts. While the labels are helpful, the platforms must take more affirmative steps immediately, including removal or limiting the ability to interact with or share the posts. With the election less than a month away and with early voting underway, it is paramount that the platforms take these steps now to prevent the further spread of disinformation.

We urge Congress to ensure that the platforms take a wider range of affirmative steps to address this content and enforce their own policies. Without doing so, the content on platforms can directly lead to voter suppression and adversely affect the integrity of elections.

⁵ <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf>, p. 38

⁶ Ibid.

⁷ <https://about.fb.com/news/2020/10/preparing-for-election-day/>

Platforms Must Apply Disinformation Prevention Tools to Voting

With the election at hand, it is imperative that social media platforms immediately implement processes and solutions that prevent the posting and spread of dis/misinformation – from user accounts, ads, organic posts, open and closed groups – which could suppress or manipulate voting rights toward African Americans and other targeted communities.

The companies' experience with COVID-related information is instructive. Facebook has taken affirmative steps to push out reliable and factual information about the virus and inform users that they have interacted with harmful information or myths about COVID-19.⁸ Just this week, Facebook took down a post by President Trump in which he falsely claimed that COVID-19 is less deadly than seasonal flu.⁹ Google/YouTube and Twitter have also instituted policies to either label or prevent content that contains misinformation about COVID-19.¹⁰ Despite these efforts, disinformation about COVID-19 is unfortunately still being spread rapidly. For example, a video with false claims about COVID-19 was posted on Facebook, YouTube, and Twitter. The video received 14 million views on Facebook and was previously shared 600,000 times and was viewed 40,000 times on YouTube. President Trump and Donald Trump, Jr. shared the video on their Twitter accounts.¹¹ All three platforms eventually took the videos down. While this response was far from perfect because immediate action was not taken before the damage was done, it does show that the platforms have the ability to address false information. In our ongoing discussions with Facebook, we have asked the company to utilize the same tools and resources to remove voter suppression content and proactively disseminate truthful information from trusted sources on the ways that voters can cast a ballot safely this year. If Facebook and other platforms can address false information about COVID-19, they should and must do the same to address voter suppression.

At the same time, efforts to exploit fears surrounding COVID-19 can lead to the spread of disinformation and voter suppression content that can adversely affect and prevent citizens from voting, particularly communities of color, who are disproportionately impacted by COVID-19 and historically faced and continue to face barriers to the ballot box. Unless the public has accurate information making them aware of the range of options through which to request and submit completed ballots, many voters, including African Americans and other targeted communities, simply will not have equal access to the ballot box, and the promise of our democracy will not be fulfilled.

Facebook has taken steps to address voter education and provide authenticated voter information with the creation of its Voter Information Center. In addition, they have made policy changes prohibiting false claims about polling place conditions in the 72 hours before Election Day and limiting exemptions for politicians' newsworthiness content.¹² As votes are being tabulated, Facebook plans to provide additional labeling and notifications if candidates declare premature victory before a race has been called.¹³

⁸ <https://about.fb.com/news/2020/07/coronavirus/>

⁹ <https://www.cnn.com/2020/10/06/tech/facebook-trump-covid-flu-false/index.html>

¹⁰ https://blog.twitter.com/en_us/topics/product/2020/updating-our-approach-to-misleading-information.html;
<https://support.google.com/youtube/answer/9891785>

¹¹ <https://www.cnn.com/2020/07/28/tech/facebook-youtube-coronavirus/index.html>

¹² <https://www.facebook.com/zuck>

¹³ <https://about.fb.com/news/2020/10/preparing-for-election-day/>

Providing factual information on Facebook's platforms about voting is a positive step and taking action to prevent the premature calling of the results are important steps that we have asked for in our discussions with Facebook. Twitter¹⁴ and YouTube¹⁵ have also taken steps to provide accurate voter information.

However, these efforts, while well-intentioned, do not address the larger issue of the spread of underlying content and disinformation that leads to voter suppression on the platforms, which adversely affects and prevents the ability of citizens to vote; this is particularly the case for communities of color. Facebook has shown us, through its efforts to provide accurate information on COVID-19, that it is equipped to monitor and prevent misinformation. Facebook, Google, Twitter, and the other platforms must make similar efforts to ensure that their platforms are not used to spread inaccurate and misleading information that suppresses voting rights and manipulates voters.

Platforms Must Prevent Disinformation in Political Ads

Disinformation that is included in political ads can often make its way onto platforms as organic content that is spread and leads to voter suppression. Twitter recently announced a prohibition of political ads,¹⁶ while Google/YouTube limits the targeting of ads to age, gender, and general location.¹⁷ Contextual targeted advertising, such as serving ads to people reading or watching a story about a specific issue like the economy, is still allowed by Google.¹⁸ Google states that it will not allow political advertisers to make false claims¹⁹ and has also stated that it will remove election-related content on YouTube that may pose a risk of serious harm.²⁰ Facebook, however, still allows microtargeting based on a large number of characteristics, interests, and demographics, and there is scant language in Facebook's policy about addressing false claims in political ads.²¹

Facebook's hands-off policy also means that content in political ads is largely unchecked. In addition, despite Google's ban of false claims in political ads and removal of certain types of harmful content, it is unclear how widely it enforces this policy or what types of ads are removed, which can allow false information to still spread widely on YouTube.²²

Facebook has made some recent changes to its ads policies, including giving users more control over the political ads that users can see.²³ Facebook has announced that the company is banning political ads the week before Election Day,²⁴ and is rejecting political ads that claim victory for a candidate in the 2020 election before the results are finalized.²⁵ Facebook also plans to temporarily stop running all social

¹⁴ <https://twitter.com/Policy/status/1300463935758512130>

¹⁵ <https://techcrunch.com/2020/09/24/youtube-voting-misinformation-election/>

¹⁶ <https://business.twitter.com/en/help/ads-policies/prohibited-content-policies/political-content.html>

¹⁷ <https://www.blog.google/technology/ads/update-our-political-ads-policy/>

¹⁸ Ibid

¹⁹ Ibid.

²⁰ <https://youtube.googleblog.com/2020/02/how-youtube-supports-elections.html>

²¹ https://www.facebook.com/policies/ads/restricted_content/political

²² <https://www.nytimes.com/2020/02/03/technology/youtube-misinformation-election.html>

²³ <https://about.fb.com/news/2020/06/voting-information-center/>

²⁵ <https://www.politico.com/news/2020/09/23/facebook-election-ads-420702>

issue, electoral, and political ads in the United States after the polls close on November 3.²⁶ Given the unprecedented attacks on legitimate voting methods that are designed to delegitimize the election, these are important steps for Facebook to take to combat disinformation. However, giving users more choice over what ads they can see or banning ads for a limited amount of time does little to address the underlying subject matter and disinformation that is often prevalent in ads, and leads to voter suppression. We urge Congress to ensure that Facebook and other platforms take affirmative steps to address disinformation in political ads, including:

- Ensuring that any advertisements containing previously verified falsehoods by their standards can be prevented from running again instead of forcing each ad to be individually examined
- Ensuring that platforms will take down ads that violate their voter suppression/interference policies

Conclusion

The threat of online voter suppression to the integrity of our democracy, especially when content is concentrated in a limited number of platforms, cannot be understated. The threat to safe and fair elections and civil rights can have a corrosive effect on the fabric of our country and the voting rights of African Americans, people of color, and other targeted communities. After largely ignoring these issues, social media platforms and tech companies have taken some real steps in recent months to address the problems. But far more needs to be done and the companies need to be more engaged on solutions to address the proliferation of false, misleading, and harmful content. As the election approaches, it is critical to fix these issues as soon as possible. The Leadership Conference urges Congress to press the companies to institute the reforms outlined in this letter. We also stand ready to work with Congress and elected officials to find solutions that will keep our democracy safe, limit the concentration of content, and stop the suppressive effect that disinformation is having on civil rights and racial justice. Should you require further information or have any questions regarding this issue, please contact David Toomey at toomey@civilrights.org.

Sincerely,



Vanita Gupta
President and CEO



LaShawn Warren
Executive Vice President for Government Affairs

CC: The Honorable Zoe Lofgren, Chairperson, House Committee on Administration

²⁶ <https://about.fb.com/news/2020/10/preparing-for-election-day/>